



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/809,077

03/24/2004

Hemal V. Shah

42P18331

7658

8791

7590

12/18/2007

BLAKELY SOKOLOFF TAYLOR & ZAFMAN

1279 OAKMEAD PARKWAY

SUNNYVALE, CA 94085-4040

EXAMINER

DONAGHUE, LARRY D

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

12/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

AK

**Office Action Summary**

Application No.

10/809,077

Applicant(s)

SHAH ET AL.

Examiner

Larry D. Donaghue

Art Unit

2154

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/21/05</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

Art Unit: 2154

Claims 1-21 are presented for examination.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. Claims 1-5, 8- 10, 12-14,16,17 and 20-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Boucher et al.(2002/156927).

Boucher et al. taught the invention as claimed including the steps of copying a protocol control block from a host processing system to a network protocol offload engine (see abstract and paragraph [0036],[0043],[0049] and figure 2: the communication control block CCB which is passed from the host to the communication processing device CPD); providing message information to the network protocol offload engine, the message information containing a message buffer location in a host memory (see paragraph [0043], [0049];storage space for per-transfer information); generating one or more message contexts in the offload engine from the message information to indicate the message buffer location rather than copying the message buffer to the offload engine (see [0037],[0104],[0117],[0118] :the context stored on the CPD in TCB; performing protocol processing at the offload engine while leaving the message buffer in the host memory (see paragraphs [0013], [0048],[0049],[0058],[0447] and figure 5); and transmitting the message buffer in the form of at least one packet payload directly from the host memory to a network communication link during transmission of packets by the offload engine (see abstract and paragraphs [0012],[0042],[0115],[0129],[0131],[0447]: the fast-path operating mode).

Claims 9,14, and 17 are rejected for similar rationale.

As to claims 2-3 and 12-13, Boucher et al. taught transmitting the message buffer comprises retrieving the message buffer from the host memory via a cut-through transmissions comprising direct memory access copies [0035], [0115],[0418] ,[0447].

As to claims 4-5, 8, and 20-21, , Boucher et al. taught performing protocol processing using TCP [0037], [0049], [0070], [0115].

As to claims 10 and 16, Boucher et al. taught the packet payload data addresses comprises message context [0043], [0049].

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 2154

4. Claims 6,7, 15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Boucher et al.(2002/156927) as applied above, in view of official notice.
5. As to claim 15, the makeup the wire is conventional.
6. As to claims 6-7 and 18-19, it is conventional in the art to release resources when there use is no longer need.
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Starr et al. 6,996,070
9. Fan 7,224,692

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LARRY D. DONAGHUE  
PRIMARY EXAMINER

